

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DAVID COE and JUDY COE,)	
)	
Plaintiffs,)	
)	
v.)	1:05CV00338
)	
VANDERBILT MORTGAGE AND)	
FINANCE, INC., PAUL NICHOLS,)	
JEFF KIRK, and HUGH COVINGTON,)	
)	
Defendants.)	

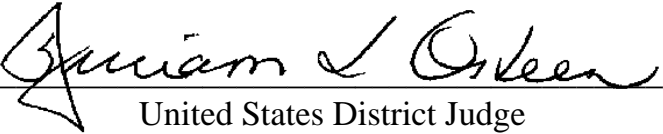
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The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on April 18, 2005, was served on the parties in this action. Within the time limitation set forth in the statute, Plaintiffs objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS HEREBY ORDERED that Plaintiffs' complaint [Pleading No. 3] be, and the same hereby is, **DISMISSED** as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B) and

Plaintiffs' request for appointment of counsel is **DENIED**.


United States District Judge

Date: June 17, 2005